

COUNCIL MINUTES
DECEMBER 16, 2015

The City Council held a meeting on Wednesday, December 16, 2015, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Parks Superintendent Austin Bingham; Cross Hollow Events Center Manager Larry Olds; Police Lieutenant Keith Millett; Officers Bryan Moore, Kyle Liddiard, Dane Glazier, Ryan Coleman; Corporal Dustin Orton.

OTHERS PRESENT: Kody Glover, Marilyn Kidwell, Jeffrey Merchant, Ashlee Carlile, Ron Larsen, Shelley Esplin, Kevin Moore Family, Bryan Moore Family, Chelly Espinoza, Craig Isom, Don Adams, Tim Watson, Constance Caparas, Ben Plamer, Kayla Hollinger, Jennifer Edwards, Blaine Edwards, Wayne Hartley, Joel Hansen, Ryan Slack, Berick Englestead, Haven Scott, Abby Allen, Lisa Bairett, Melissa Schuhmann, Dustin Arenivar, Don Oswald, Natalie Anderson, Bob Platt, Terri Hartley, Blake Cozzens, Karsten Reed, Brigg Higby.

CALL TO ORDER: Councilmember Black gave the invocation; the pledge was led by Councilmember Marchant.

AGENDA ORDER APPROVAL: Mayor – John and Don would like some time at the end of the meeting. Councilmember Black moved to approve the agenda order; second by Councilmember Marchant; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Rowley – it has been a great privilege to serve with these two gentlemen. Cozzens and Adams agreed. ■Marchant – I have had concerns with the closing of Staples, have we initiated anything to change that through the City to make it so it doesn't happen. Danny Stewart – I have been trying to follow up, and I have verified that they will be moving, but we don't know of their future plans. It was announced at four Squares property that will be an option for the future. We currently don't have square footage comparable to what they have right now. It is important business to the City. We think they are important, and value them and the Chamber has reached out to them as well. It has been positive for them to be here and I hope they will find a location here. Black – it would be a shame to lose them. It would be good to get them in the vacant buildings by Lin's. Marchant – the Christensen's building. Danny – the owner of the Christensen's building is the same owner, I have reached out to them but have not heard back. A Texas company owns the buildings, but I have not talked with them about the details. What I have heard has been rumor and through the employees.

■Cozzens – in years past with the large storms we have cleaned the snow off Main Street. Rick – we did it one year, but concerned that other businesses may want the same thing so we encouraged the businesses to contact someone to take care of that. Rowley – what about in front of City Hall. Marchant – I would think the downtown people would like access in front of their stores to have ingress from the street. I would challenge the downtown people to work something out so customers have access. Rick – we can contact the contractor that does the parking lots to see what they would charge and pass it on to the merchants. ■Mayor – the January 2nd SUU Men's Basketball game versus Montana is a Cedar City game with a number of different businesses recognized, city staff will be there, so we want to make sure the public is aware of the game. Black – is there a 10 minute half time game between the Police and Fire? Mayor – they have asked for that. ■Mayor – with this being the last Council Meeting for Don and John, the City and Staff want you to know how much we appreciate your service to the community. With everything you have done over the past 4 years, you will be truly missed. The Mayor presented them each with a plaque and card. ■Swear in Officer Bryan Moore: Chief Allinson – Bryan Moore is the newest hire from Garfield County. I will have him introduce his family. Bryan Moore – Here with me tonight is my wife Tiffany, Cherish my sister, my parents Deanna and Kevin Moore and Grandmother Moore. Renon administered the oath of office to Officer Bryan Moore. Mayor Wilson had the Officers that were present introduce themselves. Clint Pollock is Bryan's FTO. Officer Glazier, Kyle Liddiard, Ryan Coleman, Detective Dustin Orton.

PUBLIC COMMENTS: ■Tom Jett – it has been a wonderful 4 years, a lot has happened. I would like to publically say that the Road Department did a good job keeping the roads clean. I also saw a lot of policemen out risking life and health, it was impressive to see how well the City functions, and we function well. Rowley – Mr. Jett turned a year older since we last met. ■Marilyn Kidwell – God Bless Don and John, thank you for everything. ■Justin Zufelt, Utah National Guard, 1st Lt, 214 Support Company in St. George. We will have an event on February 5 & 6th at Cross Hollows Event Center. We are the logistic arms to the 222nd. By design we keep the supply lines open, mechanics, cooks, drivers, etc. If a tragic event happened in Cedar City we would most likely respond because of our capability and location. We will be doing a mock earthquake. Our priority is the State, and in last 10-15 years we have got away from that and we want to get back to that. It will be a low key training, doing our jobs of maintenance, distribution and supply. We will have Sheriff and Police Chief and other individuals to shape the issue to serve the City. We will keep it low impact to the City, we will do it overnight; we will show up at noon on the 5th and leave by the noon on the 6th. We will have two helicopters. We will work with individuals that are on shift so there is no cost to you. We want to build a foundation so we can respond if something happens in the community. Black – will there be fake casualties? No, it will be administrative to work on the frame work. Rowley – what does it do with Cross Hollow Arena? Zufelt – it is a large parking area to keep our equipment. I appreciate the City's help. Larry Olds – I am here to support them.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED NOVEMBER 18 & DECEMBER 2, 2015; (2) APPROVAL OF BILLS DATED DECEMBER 7 & 14,

2015; (3) APPROVE THE VICINITY PLAN FOR CEDAR SPECTRUM COMMERCIAL PUD AT 1375 SOUTH MAIN STREET – KIT WAREHAM/FRONTAGE GROUP, LLC.; (4) APPROVE THE BID FROM GRIMSHAW DRILLING IN THE AMOUNT OF \$664,485.00 FOR THE QUICHAPA WELL #1 REPLACEMENT (WELL DRILLING) PROJECT – JONATHAN STATHIS: Councilmember Marchant moved to approve the consent agenda items 1 through 4 as written above; second by Councilmember Rowley; vote unanimous.

CONSIDER AN ORDINANCE CHANGING THE ZONE FROM RESIDENTIAL-1 (R-1) TO RESIDENTIAL ESTATES (RE) ON APPROXIMATELY 38.78 ACRES OF PROPERTY LOCATED IN THE VICINITY OF 3300 WEST 2500 SOUTH – WATSON ENGINEERING/PAUL BITTMENN: Joel Hansen – is there any additional questions. There are not any changes.

Councilmember Rowley moved to approve the ordinance amending the zone from R-1 to RE on approximately 38.78 acres of land in the vicinity of 3300 West 2500 South; second by Councilmember Cozzens; roll call vote as follows:

Ron Adams	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE
Fred Rowley	-	AYE

CONSIDER APPROVAL OF VICINITY PLAN FOR ESTATES AT SOUTH MOUNTAIN PHASE 1 SUBDIVISION – JOEL HANSEN/KIT WAREHAM: Tim Watson – same plan as the zone change.

Councilmember Rowley moved to approve the vicinity plan for Estates at South Mountain; second by Councilmember Adams; vote unanimous.

CONSIDER AN ORDINANCE CHANGING THE ZONE FROM HIGHWAY SERVICES (HS) TO RESIDENTIAL HIGH DENSITY (R-3-M) ON PROPERTY LOCATED IN THE VICINITY OF 400 NORTH 1100 WEST – PLATT & PLATT ENGINEERING/PAUL BITTMENN: Bob Platt – this was discussed last week, there are not any changes.

Councilmember Black moved to approve the ordinance amending the zone from HS to R-3-M on property located in the vicinity of 400 North 1100 West; second by Councilmember Marchant; roll call vote as follows:

Ron Adams	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE

Fred Rowley - AYE

CONSIDER AN ORDINANCE AMENDING THE CEDAR CITY ZONING ORDINANCE TO ALLOW ASSISTED LIVING FACILITIES AS A PERMITTED USE IN THE HIGH DENSITY RESIDENTIAL (R-3-M) ZONE AND TO ESTABLISH OFF-STREET PARKING REQUIREMENT FOR ASSISTED LIVING FACILITIES – INSITE ENGINEERING/PAUL BITTMENN:

Adams – what did you come up with for off street parking? Ron Larsen – it will match what is for rest homes, 1 for every 6 beds. Kit – if they are putting in a duplex then it follows those requirements.

Councilmember Rowley moved to approve the ordinance amending the zoning ordinance to allow assisted living facilities as a permitted use in the high density residential (R-3-M) zone and to establish off-street parking requirements for assisted living facilities; second by Councilmember Adams; roll call vote as follows:

Ron Adams - AYE
John Black - AYE
Paul Cozzens - AYE
Don Marchant - AYE
Fred Rowley - AYE

CONSIDER AN ORDINANCE ALLOWING FOR ANGLE PARKING AT 140 EAST 200 NORTH FOR THE DEPARTMENT OF WORKFORCE SERVICES – RAYMOND CALDWELL/KIT WAREHAM:

Shelly Esplin representing Department of Workforce Services. Rick – observation, I know with the current parking there have been a few employees parking by the Veteran’s Park which restricts some access to the disabled veterans. With angle parking can we encourage the employees to use that instead? Shelley – yes, we have a lot of jobs that could have went somewhere else. We have tried to encourage our employees not to park in the wheelchair access and we will continue to do that. We will park around our building as much as we can. Cozzens – on 100 East is it the 66’ requirement. Yes

Councilmember Cozzens moved to approve the ordinance allowing for angle parking at 140 East 200 North for the Department of Workforce Services; second by Councilmember Rowley; roll call vote as follows:

Ron Adams - AYE
John Black - AYE
Paul Cozzens - AYE
Don Marchant - AYE
Fred Rowley - AYE

CONSIDER AN ORDINANCE ALLOWING FOR ANGLE PARKING AT 107 NORTH 200 WEST – BLAKE COZZENS & KARSTEN REED:

Paul – if the council considers this, consider a slight language, there is a portion to say no angle

parking within 30 feet of the intersection, there are a lot of ways to measure the intersection and we will have Kit provide that. Marchant – what is the distance from the edge of the intersection? Kit – you start measuring from centerline of the road you are still 30 feet in asphalt, back of curb. I would suggest measure from property line. The property line is 1 foot behind sidewalk. Black – for this item is it for the one or the several? Paul – there are 4 addresses. Paul – do the owners of the property know they will have to pay for the striping? Karsten – yes? Blake – you can take off the Cyclone Computers. Rowley – if we pass this are they required to put it in. Kit – it does not go into effect unless they put in the required striping. The property is for the Winery, church, Blake and Cyclone. Paul – it is not effective until the owner pays to put the improvements in. It is unusual to pass something without hearing from the property owners. Rowley – if they never stripe then it doesn't happen. Mayor – they need to restripe every time it needs to be done.

Councilmember Rowley moved to approve the ordinance allowing for angle parking along 200 West, 61, 107, 100, and 127 North; second by Councilmember Adams; roll call vote as follows:

Ron Adams	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE
Fred Rowley	-	AYE

CONSIDER BIDS FOR THE CROSS HOLLOWS ROAD STORM DRAIN PROJECT – KIT WAREHAM:

Kit – nothing has changed except the financing part. We are recommending John Orton Excavation. We will use all the impact fees and then make up the difference with bond money for the project. Rick – the bond we created 4 years ago we have used all but \$877,000. The next item you vote on is 600 South is not eligible for impact fees so it would be all bond proceeds. The project Jeff Hunter brought up on 860 West south of Main Street is estimated \$60,000 which will all be bond money. That will use \$487,000 of the bond proceeds. The Cross Hollow impact fees can fund \$650,000 of the \$1,060,000. If we use impact fee eligible and then bond funds then we can do a prepayment of \$77,000 and relieve the debt on some of that. We have reserved enough for upsizing and for the Coal Creek Road project so we feel we can use impact fees and reduce the debt by \$77,000. Cozzens – you said the trenching is 25 feet, do they have shoring equipment? Kit – that is up to them, they will probably use trench boxes.

Rowley – a few months ago my yard was vandalized by Blue Stakes and Orton said it was a City sewer repair and they never did it. They just tagged my neighborhood again. Kit – I don't know anything about it.

Councilmember Rowley moved to approve the bid for Cross Hollows Road storm drain project from John Orton Excavating in the amount of \$952,148; second by Councilmember Black; vote unanimous.

CONSIDER BIDS FOR THE 600 SOUTH STORM DRAIN PROJECT – KIT

WAREHAM: Kit – this is Blackburn Associates as low bid. Nothing has changed.

Councilmember Cozzens moved to approve the bid for the 600 South storm drain project from Blackburn and Associates in the amount of \$226,523; second by Councilmember Rowley; vote unanimous.

Kit – they will not be able to start on this until March 1st because of the asphalt.

CONSIDER APPROVAL OF SETTLEMENT AGREEMENT WITH ARMBRUST

FAMILY TRUST: Councilmember Black moved to approve the settlement agreement with the Armbrust Family Trust; second by Councilmember Marchant; vote unanimous.

Black – the biggest factor is the safety factor around the detention basin.

CONSIDER A RESOLUTION AMENDING THE FEE SCHEDULE: Rick – Jen

Weaver put together a proposal for an 8 game adult basketball, she did cost calculations. \$325 for 8 games without the tournament and left the \$400 with a tournament. Marchant – I commend Jennifer

Councilmember Marchant moved to approve the resolution amending the fee schedule to include adult basketball; 8 game season with a tournament for \$400 per team and an 8 game season with no tournament for \$325 per team; second by Councilmember Black; roll call vote as follows:

Ron Adams	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE
Fred Rowley	-	AYE

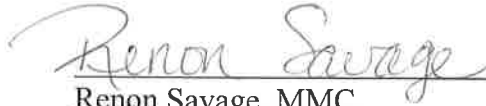
Councilman Black – I want to take a minute, January 4 is for welcoming not saying goodbye. I want to congratulate Craig and Terri. Two years ago there was no one more apprehensive than me on what would transpire over the next 4 years. I want to commend you (Mayor Wilson) for what you have done. To Joe thank you for your leadership and vision through tough economic times. To Nina, compassion and commitment, I worked for Nina when I first retired and came home and worked for the City and then worked with her up here. I appreciate her friendship. To you four it has been an experience, the friendships will last forever. I have had the opportunity to work shoulder to shoulder and make the best decisions for the city. I appreciate and love you. Rick, Admin and Office Staff, you don't come any better. I have seen a big change with information shared with Council and it has made a huge difference. Thank you. To the employees, a group of people we all too often don't recognize and appreciate enough. When we turn the tap on and water comes out we don't think about how it happens, especially in bad weather. Everyone that works for the city and provides service to the citizens. We have had ups and downs, but I always appreciate. Projects I hope you get behind are the building at the

cemetery and the areas for the crypts and walls for plaques for those that have scattered ashes. Golf Course, we have made conscious efforts to make progress, there is still work I hope will be funded. The combined maintenance facility for Golf and Parks would be so beneficial, service would be better. The horseshoe area could be improved. The maintenance building at the Hills, with the temple, one for functionality and two for the esthetics. The arena can be a bigger economic impact than they are now. I would hope we expand our support for the arenas, I would hope to have not one, but 2 staff with marketing background. It is a gold mine waiting to open up out there. I would like to thank the citizens of Cedar City for the honor to serve what an eye opener. I worked for municipal government most of my life and I thought I knew a lot, but it has been an eye opener, a good one. It has been personally rewarding serving with two mayors, council and employees. To my wife and family I would extend my love and appreciation for their sacrifices and patience over the past 4 years. To you two that will be up here your family will suffer. Merry Christmas to all of you.

Marchant – the best thing to say is amen, he has talked about a lot of people, projects and dreams when we start serving. I have been mentored by a lot of people that knew more than I do, I am thankful for them helping me understand to best serve the community. All of the employees have had an impact on me in one way or another, and we have got along super well. Our public safety are people that make me proud, they represent us well. You can say that for every department from waiving to the one that picks up my garbage and the ones that plow the streets, and it is more than that. I look at Austin, Larry, it works because you do. We cannot offer enough gratitude for the hardships. The Staff under the roof of this building, it has been good to banter with them, to know that Barbara arrived from Parowan and Wendy made it from Enoch. The Mayor's both Mayor Burgess and Wilson. When I first heard Mayor Wilson was going to run, I have grandkids almost older, how would she carry the torch, she has done very well as establishing herself as a figurehead. She has good staff to work with. Rick had done well as the City Manager. The legal counsel, Bittmenn who sometimes acts like he could swallow you, he offers good advice. Jason is the most tight fisted fellow I have known in my life. Renon, one of the most refreshing in the office. Kit best straight line drawer I know. He rides his bike in the snow storm. We have the best in the town and we deserve it. This last two weeks has been like Groundhog Day. To those that have contributed to the many master degrees I have acquired, I thank you. To the people in the community, they are the best around. To the two that will take our place, I challenge you to match my record of 100% attendance that is what we do; it is a commitment to serve the people. I think we will miss you and they will miss us. I have had the pressure of losing decorum more than anyone. The Mayor has given me the eye more than once and John has kicked me under the desk more than once. To those of you here I say thank you, you represent every facet of what we have going. To our staff and people in the organizations thank you. I feel safer and better and feel we have done a good job. Merry Christmas.

Black – what is in the air for City employees is fabulous if it comes to fruition. Keep it going with the budget.

ADJOURN: Councilmember Marchant moved to adjourn at 6:30 p.m.; second by Councilmember Black; vote unanimous.


Renon Savage, MMC
City Recorder